

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

SEAN DAVIS

CIVIL ACTION

VERSUS

NO. 13-615

**CHET MORRISON CONTRACTORS,
LLC**

SECTION "C" (4)

ORDER AND REASONS

Before the Court is a Motion to Transfer & Consolidate by Chet Morrison Contractors, L.L.C. ("Chet Morrison"). Rec. Doc. 10. Plaintiff opposes this motion. Rec. Doc. 12. For the following reasons, the motion is DENIED.

The Local Rules provide that when a case that "involves subject matter that comprises all or a material part of the subject matter or operative facts of another action . . . then or previously pending" in another section of this court, it must be transferred to the section with the lowest docket number. L.R. 3.1 & 3.1.1. Here, Chet Morrison claims the instant case is related to the case entitled, "*In Re: Oil Spill by the Oil Rig 'DEEPWATER HORIZON' in the Gulf of Mexico, on April 20, 2010,*" Docket No. MDL 2179, which is currently pending before Section "J" of this Court. Rec. Doc.10. The instant case is a personal injury case that allegedly occurred on May 5, 2012 when Davis was employed by Chet Morrison as a diver in the Gulf of Mexico. Rec. Doc. 1 at 2. In support of defendant's motion, defendant claims that plaintiff "incurred identical past and future economic damages in both the instant litigation and DEEPWATER HORIZON litigation which overlap in time." Rec. Doc. 10 at 2. Defendant appears to lack an understanding of the rule. L.R. 3.1. Defendant conceded in its reply that the two cases involve "separate incidents by different parties."

Rec. Doc. 16 at 2. Whether or not the same damages are in dispute is not material. The Court finds that the two cases do not involve the same subject matter or operative facts. Therefore, the Court shall not transfer the present case to Section "J". As a result, the issue of consolidation is also moot.

Defense counsel is encouraged to remember the importance of promoting judicial economy and conserving judicial resources when filing motions.

Accordingly,

IT IS ORDERED that the Motion to Transfer & Consolidate is DENIED. Rec. Doc. 12.

New Orleans, Louisiana, this 27th day of August, 2013.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE